

REMARKS

Applicant submits these remarks in response to the Office Action dated August 19, 2004 ("Office Action"). Applicant has calculated the amount due in extension fees. In the event that Applicant is incorrect in the calculation, please charge any fee due in connection with this submission to Deposit Account No. 50-2212, Order Number 053403.026.1768.

Applicant responds to the rejections as set forth below.

Claim Rejection -- 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-22 under 35 U.S.C. § 103(a) as being unpatentable over Valentine, U.S. Patent No. 6,157,640, in view of MacMahan et al., U.S. Patent No. 5,402,477. Office Action at page 2-4. Applicant respectfully asserts that the claimed invention is not *prima facie* obvious, and that this rejection is improper for at least two reasons. First, an ordinarily skilled artisan would not combine the two references. Second, the combination of the two references does not yield the claimed invention.

With respect to independent claims 1, 6, 10, 15, or 19, the Examiner equates the call state monitor of the claimed invention with the control node 200 of Valentine, col. 8, lines 7-10. The call state monitor is vastly different from control node 200. First, call state monitor passively determines a device's call state, e.g. idle, dialing, active, ringing off-hook, on-hold, call tunneling, conference call, etc.). In contrast, **control node 200** is an active device with its own directory (or telephone) number (col. 7, lines 5-7), and ***is not for the detection of call state, but for the routing of incoming calls and transmission of control data*** (col. 8, lines 7-10).

Secondly, the telephony wizard of the claimed invention is not application module 100 of MacMahan et al. The Examiner mistakenly equates a list of telephony services with telephony documentation. The telephony wizard is "...coupled to the call state monitor, configured to identify a list of telephony documentation available during the call state, and configured to present the list to a user." The telephony wizard displays telephony documentation, which includes feature description (describing what a particular feature is—for example, what is "call park?"), feature invocation directions (how do you use this feature; for instance, you first place a

call, then hook-flash three times quickly, then hang up), feature information (miscellaneous information useful to the end user; for instance, how much will this feature cost if the user invokes it, how many times has the user invoked it, etc.), telephony service provider information (advertisements for buying new telephony services, telling the user about important events like upgrades, outages, or special promotions.) ***The application module 100 of MacMahan et al. does not contemplate telephony documentation at all, and in fact teaches away from such a concept. In contrast, application module 100 deals with the disposition of an incoming call by invoking a telephony service, and not through the presentation of telephony documentation.*** (col. 7, lines 10-62.)

With respect to dependent claims 2, 7, 11, 16, and 20, the Examiner further confuses the process of determining available telephony services (MacMahan et al.) with the telephony wizard being "...is further configured to download an update to the list of telephony documentation." The claimed invention relates to the downloading of updates to the existing Telephony Wizard application. The MacMahan et al. invention does not contemplate such an update of telephony documentation.

CONCLUSION

For these and other reasons, neither Valentine, nor MacMahan et al., alone or in combination, render obvious the claimed invention.

Applicant therefore respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. § 103(a).

Applicant believes that for the reasons set forth above, all claims are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 509-4008.

Respectfully submitted,
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